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| UTILITY PATENT APPLICATION TRANSMITTAL (CONTINUING APPLICATION) (New Nonprovisional Application Under 37 CFR § 1.53(b)) | Attorney Docket No. 50277-2502 |
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TO THE ASSISTANT COMMISSIONER FOR PATENTS:

Transmitted herewith is the patent application of () application identifier or (X) first named inventor, Amit Ganesh, entitled PARALLEL TRANSACTION RECOVERY for a(n):

() Original Patent Application.

(X) Continuing Application (prior application not abandoned):

- (X) Continuation () Divisional () Continuation-in-part (CIP)
of prior application No: 09/156,548 Filed on: September 17, 1998
() A statement claiming priority under 35 USC § 120 has been added to the specification.

Enclosed are:

- (X) Specification: 56 Total Pages; (X) Drawing(s): 13 Total Sheets; ; (X) Cover Sheet 1 Page.
(X) Oath or Declaration:
() A Newly Executed Combined Declaration and Power of Attorney:
() Signed. () Unsigned. () Partially Signed.
(X) A Copy from a Prior Application for Continuation/Divisional (37 CFR § 1.63(d)).
(X) Incorporation by Reference. The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied, is considered as being part of the disclosure of the accompanying application and is hereby incorporated herein by reference in its entirety for all purposes.
() Signed Statement Deleting Inventor(s) Named in the Prior Application. (37 CFR § 163(d)(2)).
(X) Power of Attorney (copy from parent). (X) Return Receipt Postcard.
() Associate Power of Attorney. (X) A Check in the amount of \$1,130.00 for the Filing Fee.
() Preliminary Amendment. () Information Disclosure Statement and Form PTO-1449.
() Request and Certification Under 35 U.S.C. 122(b)(2)(B)(i)
(X) A Duplicate Copy of this Form for Processing Fee.
() A Certified Copy of Priority Documents (if foreign priority is claimed).
() Applicant(s) is entitled to small entity status. See 37 CFR 1.27.
() Statement(s) of Status as a Small Entity Filed in Prior Application, Status Still Proper and Desired.
(X) Other: Copy of Correspondence Address Change; and Remarks Accompanying Filing of Continuation Application Under 37 C.F.R. Sec 1.53(b) (3 pgs.)

| CLAIMS AS FILED | | | | |
|---|-----------|-----------|---------|-------------|
| FOR | NO. FILED | NO. EXTRA | RATE | FEE |
| Total Claims | 40 | 20 | \$18.00 | \$ 360.00 |
| Independent Claims | 3 | 3 | \$86.00 | \$ 0.00 |
| Multiple Dependent Claims (if applicable) | | | | \$0.00 |
| Assignment Recording Fee | | | | \$0.00 |
| Basic Filing Fee | | | | \$770.00 |
| Total Filing Fee | | | | \$ 1,130.00 |

Charge \$ _____ to Deposit Account _____ pursuant to 37 CFR § 1.25. At any time during the pendency of this application, please charge any additional fees, including any required extension of time fees, and credit all overpayments to above deposit account 50-1302. A duplicate of this sheet is enclosed.

Respectfully submitted,

By:

Edward A. Becker, Reg. No. 37,777

Date: March 18, 2004

Correspondence Address:

29989

Express Mail Label No.: EV 323351944 US

Date of Deposit: March 18, 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

| | | |
|------------------------------------|---|----------------------------------|
| In re Application of |) | Group Art Unit: Not Yet Assigned |
| |) | |
| Amit GANESH, et al. |) | Examiner: Not Yet Assigned |
| |) | |
| Application No.: Not Yet Assigned |) | |
| |) | |
| Filed: March 18, 2004 |) | |
| |) | |
| For: PARALLEL TRANSACTION RECOVERY |) | |

Mail Stop Patent Application
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

REMARKS ACCOMPANYING FILING OF CONTINUATION APPLICATION UNDER

37 C.F.R. § 1.53(b)

Sir:

These remarks are filed in conjunction with the filing of a continuation application under 37 C.F.R. § 1.53(b).

A. REMARKS

The Examiner and Primary Examiner Alam are thanked for the telephone interview conducted with the undersigned on February 24, 2004.

In the parent application upon which this continuation application is based, Claims 1-40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over *Ngai et al.*, U.S. Patent No. 5,850,507 (hereinafter "*Ngai*") in view of *Pystynen et al.*, U.S. Patent No. 6,178,428 (hereinafter "*Pystynen*"). It is respectfully submitted that both this application and the *Ngai* and *Pystynen* references were, at the time the invention was made, owned by, or subject to an obligation of assignment to Oracle Corporation. It is therefore respectfully submitted that, based upon 35 U.S.C. § 103(c), both the *Ngai* and *Pystynen* references are disqualified from being used in a rejection under 35 U.S.C. § 103(a) in the present application.

It is respectfully submitted that all of the pending claims are in condition for allowance and the issuance of a notice of allowance is respectfully requested. If there are any additional charges, please charge them to Deposit Account No. 50-1302.

The Examiner is invited to contact the undersigned by telephone if the Examiner believes that such contact would be helpful in furthering the prosecution of this application.

Respectfully submitted,

HICKMAN HALERMO TRUONG & BECKER LLP



Edward A. Becker

Reg. No. 37,777

Date: March 18, 2004

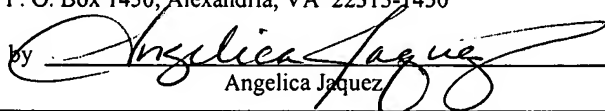
1600 Willow Street
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **Mail Stop Patent Application,** Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450

on March 18, 2004

by



Angelica Jaquez

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

AMIT GANESH, et al.

Serial No.: 09/156,548

Group Art Unit: 2785

Filed: September 17, 1998

Examiner: Not Yet Assigned

For: PARALLEL TRANSACTION RECOVERY

Assistant Commissioner of Patents
Washington, D. C. 20231

CORRESPONDENCE ADDRESS CHANGE

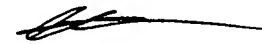
Sir:

Please change the records to indicate the current firm name, address and telephone number for the above-identified application and forward all future correspondence as follows:

McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096
(408) 271-2300

Respectfully submitted,

McDERMOTT, WILL & EMERY



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Date: February 9, 1999
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CERTIFICATE OF MAILING

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on 2/10/99 by Cathy Boetman